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AND THE TREATMENT OF OFFENDERS

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Items 4 and 6 of the provisional agenda*

ACTION AGAINST NATIONAL AND TRANSNATIONAL ECONOMIC AND ORGANIZED CRIME, AND THE ROLE OF CRIMINAL LAW IN THE PROTECTION OF THE ENVIRONMENT: NATIONAL EXPERIENCES AND INTERNATIONAL COOPERATION

CRIME PREVENTION STRATEGIES, IN PARTICULAR AS RELATED TO CRIMES IN URBAN AREAS AND JUVENILE AND VIOLENT CRIMINALITY, INCLUDING THE QUESTION OF VICTIMS: ASSESSMENT AND NEW PERSPECTIVES

Note verbale dated 7 April 1995 from the Permanent Mission of Tunisia to the United Nations (Vienna) addressed to the Crime Prevention and Criminal Justice Branch of the Secretariat

The Permanent Mission of the Republic of Tunisia to the United Nations (Vienna) presents its compliments to the Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna and, with reference to the note dated 24 October 1994 from the Secretary-General of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in connection with substantive preparations for the Ninth Congress, has the honour to enclose herewith a draft resolution, submitted by Tunisia, recommending that religious and racial intolerance and incitement to religious and racial hatred should be regarded as a form of organized transnational crime.

The Permanent Mission of the Republic of Tunisia takes this opportunity to renew to the Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna the assurances of its highest consideration.

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DRAFT RESOLUTION

Regarding religious and racial intolerance and incitement to religious and racial hatred as a form of organized transnational crime

The Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Bearing in mind the recommendations contained in the Milan Plan of Action,[1] adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and approved by the General Assembly in its resolution 40/32 of 29 November 1985, concerning the strengthening of international cooperation in combating organized crime,

Noting that the Economic and Social Council, in its resolution 1989/70 of 24 May 1989, invited the Committee on Crime Prevention and Control to give special attention in its work to promoting international cooperation in combating organized crime and called upon Governments, international organizations and interested non-governmental organizations to cooperate to that end with the Committee,

Noting also that the General Assembly, in its resolution 44/72 of 8 December 1989, requested the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to pay particular attention to the linkage between illicit drug trafficking, organized crime and terrorist criminal activities, and to propose viable control measures,

Recalling the resolutions of the Eighth Congress,[2] held at Havana from 27 August to 7 September 1990, and General Assembly resolutions 46/152 of 18 December 1991 and 48/102 and 48/103 of 20 December 1993,

Recalling also the priorities set by the International Conference on Preventing and Controlling Money Laundering and the Use of the Proceeds of Crime: a Global Approach, held at Courmayeur, Italy, from 18 to 20 June 1994,[3] as well as the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,[4] adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994,

Aware of the serious threat to the stability and security of States that is represented by the new forms of organized transnational crime and by acts committed by transnational criminal organizations with the aim of undermining the foundations of society and threatening the integrity and sovereignty of States,

Conscious of the structural relationship existing between the crime of terrorism and incitement to racial and religious hatred, including acts of intimidation and threats, and transnational criminal organizations,

Concerned at the increase in the number of racial and religious organizations whose objective is to impose a particular ideology and a totalitarian model of society and which are engaged in the recruitment of followers, to be indoctrinated, organized and armed through various sources of financing, the most important being the utilization of funds from organized crime, illicit drug and arms trafficking, and theft and other forms of organized crime,

1. *Appeals* to all Member States to give greater importance to combating religious and racial intolerance and incitement to religious and racial hatred and to preventing their expansion;

2. *Recommends* that religious and racial intolerance and incitement to religious and racial hatred and also acts of violence arising therefrom should be regarded as a form of organized transnational crime and

calls upon all Member States to take all practical and legal measures to combat this phenomenon and to comply with the resolutions and recommendations in this field adopted by United Nations bodies;

3. *Urges* Member States to ensure that there are provisions in their domestic legislation against incitement to religious and racial hatred and to take all legislative steps to enable judicial authorities to prosecute the perpetrators of such crime at the national and international levels;

4. *Recommends* that all Member States should regard religious and racial intolerance and incitement to religious and racial hatred as a serious crime that calls for effective international cooperation, the execution of requests for extradition and any other action necessary for the prosecution and conviction of the perpetrators of such acts;

5. *Emphasizes* the need to refuse to grant asylum to the perpetrators of such an inhuman form of crime and to ensure that the institution of asylum, as established by the Convention relating to the Status of Refugees,[5] adopted at Geneva on 28 July 1951, does not depart from the noble humanitarian goals that were at its origin;

6. *Stresses* that it is imperative that the necessary steps should be taken concerning the proceeds of organized crime by adopting legislation that provides for the confiscation and seizure of all property of criminal origin and the establishment of measures for cooperation among different States in order to make it possible to trace such property, wherever it may be located.

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[1]See *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. A.

[2]See *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sects. B and C.

[3]E/CONF.88/7, chap. IV.

[4]A/49/748, annex, chap. I, sect. A.

[5]United Nations, *Treaty Series*, vol. 189, No. 2545.